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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

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Sean M. Smith

Plaintiff(s),

v

Case No.
Honorable

1:18-cv-961

Robert J. Jonker
Chief U.S. District Judge

Western Michigan University

Defendant(s).

Sean M. Smith
v.
Western Michigan University

United States District Court
Western District of Michigan

Sean M. Smith
4626 Dover Hills Dr. Apt. 105
Kalamazoo, Mi. 49009

v.

Western Michigan University
1903 W. Michigan Avenue
Kalamazoo, Mi. 49008

1. A Civil Action in the United States District Court Western District of Michigan is being brought against Western Michigan University for Discrimination experienced at the school and being discharged in retaliation for complaining, based on my race (black), age (49), in violation of Title VII of the Civil Rights Act of 1964 and the Age Discrimination Employment Act of 1967.
2. I believe this Court has jurisdiction over the matter because I was given a right to Sue letter by the EEOC and told by correspondence that "Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction." I was also told that this court deals with things pertaining to academics where the EEOC doesn't.
3. The facts of my claim are set forth as follows:
 - 1) I complained about receiving Work Study from the Government for my schooling but not being allowed to have it by Western Michigan University. I was told by a person in the Financial Aid office that I had \$1500 dollars in my account but I couldn't use it.
 - 2) I complained about the word "Nigger" being used repeatedly in one of my Communication classes that I felt was inappropriate.
 - 3) I complained about a University professor constantly using profane language in the classroom and telling racist jokes – "What do you get when you get a Black and a Mexican climbing a fence?"

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- 4) I complained about a University Professor giving me the run around and sending me over to the "Bird Cage" – the Faunce building, to see about getting an Incomplete - which was not the proper protocol since University professors have it within their control to give Incompletes. I never got the Incomplete, instead I got a failing grade, when I had death in the family.
- 5) I complained about trying to get a hardship withdrawal from that same music class from the Ombudsman, when I had two family members fighting for their life during the same term and they both ended up dying. I was denied the Hardship Withdrawal even though I was told by the Ombudsman's office that I fit the criteria for approval.
- 6) I complained about being told by a University professor and Administrator in Diversity and Inclusion, before I went to see the Ombudsman, that the Ombudsman would not help me because I was black.
- 7) I complained about being told by Dr. Evelyn B. Winfield – Thomas, Executive Director and Special Assistant to the President of Institutional Equity, that it was an academic violation but she didn't do anything to help me. Instead she accused me of hollering at the President in my letter just because I put some things in bold print and increased the font size a little so that it would stand out.
- 8) I complained about being told by a University professor that neither Dr Evelyn B. Winfield – Thomas of Institutional Equity or Dr. Martha Warfield - Vice President of Diversity and Inclusion would help me because they didn't help others and I was not the first. I was told by more than one person that they were not there to protect the welfare of the students but they were there to protect the interest of the University.
- 9) I complained about being told by the people at the Dr. Walker Lewis Institute of Race Relations that the University will not help me unless I get a lawyer and sue them, even though they should have helped me to be in compliance with University rules, regulations, policies and procedures,
- 10) I complained about several people who tried to help me, no longer being at the University. I don't believe that this was a coincidence.
- 11) I complained about contacting the Board of Trustees via certified letter twice and not getting a response.
- 12) I complained about trying to get a meeting with President John Dunn since 2012 and never getting the meeting.
- 13) I complained about President Barack Obama responding to my complaints of Discrimination when the Board of Trustees and the

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President of the University that I was attending didn't seem to be able to respond.

- 14) I complained about this Culture of Silence in which so many people who work at the University know bad things that are going on at the University, but they're scared to speak out about it because of fear of retaliation by the University. A University professor got fired and several University professors with tenure quit their job and went on record in the school newspaper and the Kalamazoo Gazette about this.
- 15) I complained about being an honor student and not getting the help that I needed and concluded that if I was a Black honor student and couldn't get the help that I needed, I knew students who were Black/minority but maybe on academic probation weren't getting the help that they needed. I was told this was true by the lady who presided over the Kalamazoo promise at that time up at Western. This was also talked about on the radio in which there was a discussion of how blacks who had the Kalamazoo Promise were still not getting the help they needed.
- 16) I complained about programs in place at Western Michigan University that seemed as if whites could access them but blacks couldn't.
- 17) I sent certified mail to the University notifying them of me dropping out of school to take a stance against Discrimination at the school. They didn't respond.
- 18) I contacted Senator Debbie Stabenow who responded.
- 19) I contacted Congressman Fred Upton and went to his office.
- 20) I contacted Representative John Hoadley and he responded.
- 21) I complained to no avail for so long that I considered giving up and two years later when 13 full time jobs came available at the University, I applied and went to work at the University in hopes that I could at least continue my education, finish and get my degree.
- 22) In the nine days that I worked at Western Michigan University, I was intimidated, harassed, discriminated against, retaliated against, there was a breach of my Federal Court Settlement Agreement, labor relations violations, OSHA violations and Nepotism that I had to deal with that led me to believe that I was being set up, because people who I didn't know – people who had family members working at Western and who were going for the same job that I was – it was 8 of us, knew things about me that they weren't supposed to know.
 - a. Intimidated – led by a WMU Supervisor- Dan Maley, into a very bad part of a building that was waiting to be

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demolished. Because he was an old ex – Supervisor at a place that I won a Federal Court law suit against and was good friends with people that tried to do everything they could to hurt me, his intentions were suspect. He also tried to justify all the horrible things that they did to us at the Post Office. Supervisor Juanita Snell using the word nigger several times and saying “Snitches get Stitches” – gang terminology used to silence people while threatening their lives.

- b. Harassed – told by Supervisor Dan Maley that every one was gossiping about me – the new kid on the block. Also told by Supervisor Dan Maley with Supervisor John Coffey that I needed to get 4 bathrooms completely Kaisaned and cleaned in 30 minutes and if I couldn’t do it then maybe I didn’t need to be working. He then asked me, do you need me to help you, do you want my help very sarcastically. I was still being trained.
- c. Was singled out by Custodian Manager JoAnn Marcilous and told that I didn’t have to have a cover letter after she had told all of us that we had to have a cover letter if we wanted to be hired. She told us that Institutional Equity – Dr. Evelyn B. Winfield – Thomas was requiring it and told us how she had to argue with her about wanting to hire people who had a resume but didn’t have a cover letter even though the University only asked for a resume.
- d. Complained to Supervisor Arnita Williams that the reason I hadn’t got my application for employment in, even though I still had time, was because I was reluctant and didn’t think that I would get a fair chance because of Dr. Evelyn B. Winfield – Thomas and me complaining about discrimination – since we were told that all of our applications had to go across her desk for approval.
- e. First day at Sindecuse, a white lady that I didn’t know but who knew Dan Maley, walked up to me and said “ Your welcome!” in a very nasty manner.
- f. Etc., etc., etc. and much more.

23) On September 8, 2018 I was abruptly discharged and told by OnStaff to not return to Western Michigan University for work.

24) I never got an interview with WMU human resources like we were told we would have but they sent me an email from Human Resources acting as if I had an interview.

25) I had one of the Directors of WMU lie on me about my employment at WMU to a Government agency. I don’t know him, I’ve never met

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him and I have never spoken to him, so how would he know anything about me and some of the things he said were just lies.

26) As recently as August 2, 2018 I tried to get these problems resolved and attempted to get a meeting with the new President Dr. Edward Montgomery. I was told by his Executive Assistant – Terri L. Riemland, that I had made several complaints regarding my treatment at the University and although I didn't like the response, the matters were closed and they declined my request to revisit them. He is now the second sitting President at WMU that has refused to talk to me.

27) I was told just recently by the local chapter of the NAACP in an attempt to resolve these matters amicably, that I was probably about the 200th student that has been violated at WMU and the University doesn't care about its' students, it only cares about its image and reputation. The NAACP also said that the University knows that most students don't have the stamina, determination, wherewithal, funds or the means to do anything about what's going on at WMU, which allows them to get away with it.

4. I am not demanding a jury trial at this time.
5. The relief that I am seeking is my University bill being cancelled and a job at the University protecting students from Discrimination and Predatory Professors/ Administrators that are negligent and dysfunctional at doing their job. I would also like any punitive damages, compensatory damages, any recompense allowed under the law and any pay for the embarrassment, inconvenience and delay of my education. In addition, I would like to request that all my attorney fees – when an attorney is procured, be paid by Western Michigan University along with all legal costs such as deposition transcripts, witness fees, photocopying expenses, etc. The EEOC said "your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge." I would like to throw myself upon the mercy of the court and beg the Honorable Judge to please help me. It is not fair for a person to have to fight against a University and also deal with elements of "Fruit of the Same Poisonous Tree" from an old Federal Court case won against an International Company – the Post Office.

Sincerely,

Sean M. Smith

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8/27/2018